



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Soliman) For: COMMUNICATION SYSTEM
Serial No.: 09/965,341) RECEIVER AND METHOD
Filed: September 27, 2001) FOR CONCURRENT
RECEIVING OF
MULTIPLE CHANNELS
Group Art Unit: 2682

RECEIVED

JAN 09 2008

DECLARATION OF SHERYL L. SCHOEN

OFFICE OF PETITIONS

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Sheryl L. Schoen, declare as follows:

1. I am a paralegal working in the Patent Department of Qualcomm, Inc.
2. Based on information and belief, the former representative attorney assigned to this case, Erin P. Madill, terminated his employment with Qualcomm, Inc. in December of 2004. The above-identified application was filed on September 27, 2001.
3. On or about April 20, 2004, the Patent Department of Qualcomm, Inc. caused me to submit documents in response to a final Office Action dated February 23, 2004 for the above-identified application. I personally included the following items in preparation for facsimile transmittal:

- (i) a cover sheet (1 page);
 - (ii) Request for Continued Examination (RCE) in duplicate (2 pages);
- and
- (iii) Amendment (9 pages).

Copies of the one page of the cover sheet, the one page of RCE and the 9 pages of Amendment identified in (i), (ii) and (iii) above are attached herewith as Exhibits A, B and C, respectively.

4. On April 20, 2004, I sent the aforementioned cover sheet (1 page), RCE in duplicate (2 pages) and Amendment (9 pages), a total of 12 pages via facsimile to the central facsimile number, (703) 872-9306, of the U.S. Patent Office. On the same date, I received an Auto-Reply Facsimile Transmission from the U.S. Patent Office, a copy of which is attached hereto as Exhibit D.

5. On or about December 3, 2004, I received a Notice of Abandonment dated November 30, 2004 for the above-identified case from the U.S. Patent Office. Without the guidance of a new attorney assigned to this case, I unknowingly docketed the next deadline for response of this case to be six months after the mailing date of the aforementioned Notice of Abandonment to May 30, 2005.

6. On or about April 20, 2005, approximately one month prior to the aforementioned scheduled deadline of May 30, 2005, the new attorney assigned to this case, Kam T. Tam, discovered and discussed the abandonment status of this case with me. Upon reviewing the record, we found that the RCE (Exhibit B) had indeed been sent to the U.S. Patent Office via facsimile on April 20, 2004. We determined that further clarification with the U.S. Patent Office was needed.

7. On or about April 21, 2005, I called the Examiner, Yuwen Pan, who confirmed receipt of the amendment but not the RCE. Examiner Yuwen Pan further suggested that we might file a Petition to Request Withdrawal of Holding of Abandonment to restore the pending status of this case.

8. I hereby declare that all statements made herein of my own are true and that all statements made on information and belief are believed to be true and further that the statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Sheryl L. Schoen

May 12, 2005
Date